

REMARKS

This communication responds to the Notice of Noncompliance mailed January 28, 2008, for the application captioned above. By this amendment, claims 17, 87, 111 and 114 are amended, claims 3-5, 18-20, 30-51, 57-75, 80, 82-86, 91-97, 100, 101, 103-105 are cancelled and claims 15, 16 and 52-56 are withdrawn. New claims 115-116 have been added. No new matter has been added as a result of this amendment. After entry of this amendment, claims 1, 2, 6-14, 17, 21-29, 76-79, 81, 87-90, 98, 99, 102 and 106-116 are currently pending in the application. The following remarks are respectfully submitted.

Claims 2, 100, 110 and 111 are objected to because of informalities. Claims 100 has been cancelled and 111 has been amended and is believed to correct these informalities. Applicant respectfully requests withdrawal of the objection.

Claims 17, 22, 25, 27, 90, 99, 102 and 114 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,681,100 to Powell in view of U.S. Pat No. 5,141,188 to DeBlasi et al. Independent claims 17 and 114 have been amended to better clarify the invention. Applicant believes the amendments render the rejection moot and respectfully request that the Examiner withdraw the rejection.

Claim 17 calls for, inter alia, a jewelry cabinet having a first side and a second side and a stand receiving the jewelry cabinet. The stand has a first leg including an inside surface adjacent the first side of the frame and a second leg including an inside surface adjacent the second side of the frame and a stationary peg extending from the inside surface of the first leg towards the inside surface of the second leg of the stand to contact an exterior surface of the frame to incline the back wall of the jewelry cabinet. Claim 114 has similar limitations.

As the Examiner correctly points out and admits, Powell does not disclose a peg extending from the inside surface of the stand to contact an exterior surface of the frame to incline the backwall of the cabinet. It is the Examiner's opinion that DeBlasi et al. provide this missing teaching. Applicant respectfully disagrees.

DeBlasi et al. disclose a nail polish caddy 10 having a holding frame 20 and a nail polish bottle holder 30. The frame 20 has a base 21 which is planar to enable it to be seated steadily on a flat surface such as a table. At right angles to the base 21 are first 22 and second 23 walls extending vertically to form in conjunction with the base 21 a "U." Disposed on the first and second walls 22 and 23 directly below each socket 26 is a passage 27 inserted in which is a spring 28 and arresting ball 29 means, the ball being urged by the spring outward of the passage. The nail polish holder 30 is a rectangular tube and has an open top 31 and third 32 and fourth 33 straight-sided exterior walls which abut snugly against the frame walls. Disposed a distance below the axle on the exterior surface of the third and fourth wall 32 and 33 are first hemispherical detents 38 to receive the arresting balls when they are urged by the springs into the detents. Radially disposed rearward on the third and fourth walls 32 and 33 are a multiplicity of detents 39 equally spaced apart such that the nail polish bottle holder will be held firmly at a multiplicity of angles by the arresting ball and spring means as shown in Figure 2 of DeBlasi et al.

DeBlasi et al. do not disclose a stationary peg extending from the inside surface of a first leg of a stand towards the inside of a second leg of the stand as called for by claim 17. The specification of the subject application discloses with reference to Figures 25 and 26 that the pegs may be placed in openings 455 on the inside surface of the stand 430 rather than the openings of the cabinet. Figures 25 and 26 show four openings 455 in which the peg can be placed to facilitate adjustment of the mirror. Thus the angle that the back of the jewelry cabinet is tilted will depend on which hole 455 the peg is placed. When placed in a hole the peg is stationary, it does not change its position. In order to change the tilt of the cabinet, the peg must be removed from one hole and placed in a different hole. This is not the same as the arresting ball and spring means of DeBlasi et al. which merely moves the arresting ball in and out of a detent formed on the exterior of the nail polish bottle holder. It is not believed that such an arresting ball and spring arrangement could not be successfully used for a jewelry cabinet considering the weight of the cabinet, in particular when it is filled with jewelry as intended.

Claims 22, 25, 27, 90, 99 and 102 are dependent on claim 17, either directly or indirectly, and, thus, are believed to be patentable for at least the same reasons. The remaining rejections of

these dependent claims are not explicitly dealt with since they are believed to be moot in view of the amendments made to independent claims 1 and 17.

Claims 21, 23, 26, 28-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Powell in view of Ferenzi and Mech. Claims 21, 23, 26 and 28 dependent, either directly or indirectly, on independent claim 17 and is thus believed to be patentable for at least the same reasons given with reference to claim 17.

Claims 24 and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Powell in view of Ovadia. Claims 24 and 88 are dependent, either directly or indirectly, on independent claim 17 and are thus believed to be patentable for at least the same reasons already given with reference to claim 17.

Claims 76-77 and 79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Powell in view of Greiner. Claims 76-77 and 79 are dependent, either directly or indirectly, on independent claim 17 and are thus believed to be patentable for at least the same reasons given with reference to claim 17.

Claim 78 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Powell in view of Ferenzi and Mech. Claim 78 is dependent indirectly on claim 17 and is thus believed to be patentable for at least the same reasons already given with reference to claim 17.

New claims 115-116 have been added by this amendment. These new claims do not present new subject matter. New claims 115-116 are directed to a jewelry cabinet received in a stand that can be rotated from an upright position to a tilted position and has either a ring storage element (claim 1125) or earring bars (claim 116) that can securely hold appropriate jewelry items whether the jewelry cabinet is in its upright or tilted positions. None of the prior art shows such a configured jewelry cabinet that can be tilted and hold rings and earrings securely in both its upright and tilted positions.

Claims 1, 6-14, 81, 87, 89, 98, 106-109 and 112-113 have been indicated as allowed. Applicant thanks the Examiner for the allowance of these claims

It is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned in the event there are any questions concerning the election or if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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